IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Smt. Shanti Devi Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.99/2005.

DATE OF ORDER :: November 23, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.N.R.Goswami, for the petitioner.
Mr. Ashok Upadhyaya, P.P.
Mr. S.R.Sharma, for non-petitioner No.2.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 22.7.2004 passed by the Judge, Family Court, Jodhpur (for short 'the family court' hereinafter), whereby the family court declined to grant monthly allowance of interim maintenance during the pendency of the application filed by the petitioner under section 125 Cr.P.C.

Upon hearing the learned counsel for the parties and

perusal of the order impugned, it appears that a compromise was entered between the parties and, therefore, in view of that compromise by which certain land and house were given to the petitioner's son, the family court declined to grant interim maintenance and this question will have to be decided by evidence. In the circumstances, therefore, no case for inteference in the inherent jurisdiction is made out.

The petition is, therefore, dismissed. However, the family court is directed to dispose of the main petition filed by the petitioner utmost expeditiously. Keeping in view the fact that the matter is of 2002 and more than four years have since elapsed, the family court shall decide the matter finally within three months from the receipt of copy of this order.

[H.R.PANWAR],J.

m.asif/-